

1 MICHAEL J. BIDART #60582
2 mbidart@shernoff.com
3 RICARDO ECHEVERRIA #166049
4 recheverria@shernoff.com
5 HOWARD S. SHERNOFF #263556
6 hshernoff@shernoff.com
7 SHERNOFF BIDART ECHEVERRIA LLP
8 600 South Indian Hill Boulevard
9 Claremont, California 91711
10 Telephone: (909) 621-4935
11 Facsimile: (909) 447-2043

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Mary E. Alexander #104173
Jennifer L. Fiore #203618
MARY E. ALEXANDER & ASSOCIATES
44 Montgomery Street, Suite 1303
San Francisco, California 94104
Telephone: (415) 433-4440
Facsimile: (415) 433-5440

Attorneys for Defendants

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

COLONY INSURANCE COMPANY,
a Virginia corporation,

Case No.: CV 11-01136 SC

Plaintiff,

STIPULATION TO STAY ACTION
& [PROPOSED] ORDER

v.
TRICIA LYNNE ROTH and KAY
HUH,

Date: August 26, 2011
Time: 10:00 a.m.
Courtroom: 1

Defendants.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 The parties hereby stipulate to stay this action, as it was filed without
3 knowledge of a parallel state court action which seeks to resolve the same issues.
4
5 (*Roth v. Colony Specialty Ins. Co., et. al.*, Case No. CIV 503781, San Mateo
6 County Superior Court, assigned to Department 21, the Hon. Robert Foiles
7 presiding.) Should for any reason the state court action fail to resolve finally the
8 issues involved in this action, Colony reserves the right to seek a legal
9 determination by this court of those issues. Likewise, Roth reserves the right to
10 pursue a dismissal should this action resume before the state court action is fully
11 resolved.

12 The parties respectfully request that the court grant the stipulation to stay
13 this action and remove from the court's calendar the Case Management Conference
14 and Motion to Dismiss or Stay the Action, both set for hearing on August 26, 2011,
15 as this stipulation renders those hearings unnecessary.

16
17 IT IS HEREBY STIPULATED.

18 Dated: July 15, 2011

19 SHERNOFF BIDART ECHEVERRIA LLP

20 By _____

21 MICHAEL J. BIDART

22 RICARDO ECHEVERRIA

23 HOWARD S. SHERNOFF

24 Attorneys for Defendants, Tricia Lynne
25 Roth and Kay Huh

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Dated: July 15, 2011

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NIELSEN HALEY & ABBOTT, LLP

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By



STEVE CUSICK

Attorneys for Plaintiff, Colony Insurance
Company

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**SHERNOFF BIDART
ECHEVERRIA**


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2 mbidart@shernoff.com
3 RICARDO ECHEVERRIA #166049
4 recheverria@shernoff.com
5 HOWARD S. SHERNOFF #263556
6 hshernoff@shernoff.com
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9 Claremont, California 91711
10 Telephone: (909) 621-4935
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12
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14 Jennifer L. Fiore #203618
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17 San Francisco, California 94104
18 Telephone: (415) 433-4440
19 Facsimile: (415) 433-5440

20 Attorneys for Defendants

21 UNITED STATES DISTRICT COURT

22 NORTHERN DISTRICT OF CALIFORNIA

23 COLONY INSURANCE COMPANY,
24 a Virginia corporation,

25 Plaintiff,

26 v.

27 TRICIA LYNNE ROTH and KAY
28 HUH,

Defendants.

Case No.: CV 11-01136 SC

[PROPOSED] ORDER TO STAY
ACTION

Date: August 26, 2011
Time: 10:00 a.m.
Courtroom: 1

1 Pursuant to the Stipulation to Stay this matter, the Court grants the
2 stipulation to stay this action and hereby removes from the court's calendar the
3 Case Management Conference and Motion to Dismiss or Stay the Action, both set
4 for hearing on August 26, 2011 at 10:00 a.m. in Courtroom 1 of the above-
5 referenced court.

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